

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | |
|---|--|---|
| Applicant's or agent's file reference FP20791 | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/AU2004/001642 | International filing date (day/month/year) 26 November 2004 | Priority date (day/month/year) 9 December 2003 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. B63B 59/08 (2006.01) | | |
| Applicant JOHNSON, Keith et al | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ (sent to the applicant and to the International Bureau) a total of 10 sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

| | |
|--|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application |

| | |
|---|--|
| Date of submission of the demand 8 July 2005 | Date of completion of this report 27 March 2006 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer S.J. DESCHANEL Telephone No. (02) 6283 2368 |

EXHIBIT A

Box No. I Basis of the report

1. With regard to the language, this report is based on:
- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 2, 7-16 as originally filed/furnished
- pages* 3-6A received by this Authority on 12 January 2006 with the letter of 12 January 2006
- pages* received by this Authority on with the letter of
- ☒ the claims:
- pages as originally filed/furnished
- pages* as amended (together with any statement) under Article 19
- pages* 17-21 received by this Authority on 12 January 2006 with the letter of 12 January 2006
- pages* received by this Authority on with the letter of
- ☒ the drawings:
- pages 1/5-5/5 as originally filed/furnished
- pages* received by this Authority on with the letter of
- pages* received by this Authority on with the letter of
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | |
|-------------------------------|--------------|-----|
| Novelty (N) | Claims 1-26 | YES |
| | Claims 27-28 | NO |
| Inventive step (IS) | Claims 1-26 | YES |
| | Claims 27-28 | NO |
| Industrial applicability (IA) | Claims 1-28 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

D1: US 5389266

D2: FR 2700240

D3: FR 2705531

D4: JP 08154559

Novelty (N) claims 1-28

Claims 1-26:

No individual citation or obvious combination of citations discloses a method/apparatus for treating marine growth on a surface as characterised in claims 1-26.

Claims 27-28:

Each of documents D1-D4 discloses an apparatus/method for treating marine growth on a surface as characterised in claims 27-28. D3, for example, discloses a moveable heated housing (26) for the treatment of algae by means of steam.

Inventive step (IS) claims 1-28

As above

All claims meet the requirements of industrial applicability.

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

There is no continuity between page 2 and new page 3. It would appear that the first line of page 3 is missing.

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Griffith Hack
GPO Box 4164
SYDNEY NSW 2001

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing (day/month/year) **30 MAR 2006**

Applicant's or agent's file reference
FP20791

IMPORTANT NOTIFICATION

International application No.
PCT/AU2004/001642

International filing date (day/month/year)
26 November 2004

Priority date (day/month/year)
9 December 2003

Applicant

JOHNSON, Keith et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/AU

AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaustrialia.gov.au
Facsimile No. (02) 6285 3929

Authorized officer

S.J. DESCHANEL
Telephone No. (02) 6283 2368

EXHIBIT A